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June 17, 2016

By ECF

Honorable Roanne L. Mann
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Henry Davis v. City of New York, et al.,
1:16-cv-1539-KAM-RLM

Claude Ruffin, et ano., v. City of New York, et al.,
1:16-cv-1538-ILG-RLM

Your Honor:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of The City of New York, representing the defendant The City of New York in these related actions. I am writing to request a sixty-day enlargement of the City's time to answer or otherwise respond to the complaint from today, June 17, 2016 to August 16, 2016. Plaintiffs' counsel, David Thompson, consents to this request.

Plaintiffs allege in their complaints that they were falsely arrested, subjected to excessive force and that plaintiffs Shabazz and Davis were maliciously prosecuted. These claims all arise out of an incident that occurred on December 31, 2014 at the Borden Avenue Residence in Queens. Plaintiffs further alleges that all charges related to their arrests have been dismissed and sealed. In order to investigate the allegations in the complaint and meaningfully respond thereto, the City must review the relevant documents. The vast majority of the relevant documents this office relies upon to investigate the complaint consist of paper, the retrieval of which is more labor-intensive and time-consuming than obtaining electronic documents. Further, the documents relevant to the defense of civil rights actions that the City must obtain are often, as in this case, protected from disclosure by state statutes. This office has received releases for records that may have been sealed pursuant to N. Y. Criminal Procedure Law § 160.50. The executed release may be necessary for this office to obtain the District Attorney, Criminal Court and police records pertaining to the events leading up to plaintiff's alleged injuries.

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Accordingly, we respectfully request that the City's time to respond to the complaint be enlarged to August 16, 2016. The City has not previously made any applications for the relief sought herein. Thank you for your consideration of this request.

Respectfully submitted,

/s

Elissa B. Jacobs

cc: David Thompson Esq. **By ECF**
Attorney for Plaintiffs